

# CITIZENS' BOND OVERSIGHT COMMITTEE

## MINUTES

JUNE 11, 2013

3:30 P.M. – 5:00 P.M.

CSSC, MULTI-PURPOSE ROOM

<b>ATTENDEES</b>	<u>Members:</u> Mr. Lawrence M. Cohen, Chair (Business Representative); Mr. Kenneth Eklund, (Senior Citizen Group Representative); Mr. Chris Escobedo, (Taxpayers' Association Representative); Mr. Geoffrey Kiehl, Vice Chair (Member At-Large – East Valley); Ms. Brenda Valdez (Student Representative); Mr. Larry Spicer (College Support Organization); Mr. William H. Waldron (Member-At-Large West Valley)
	Mr. Steve Renew, College of the Desert's Director of Facilities Services; Mr. Mac McGinnis, Bond Program Manager from EIS Professionals; Mr. Wade Ellis, College of the Desert's Director of Fiscal Services; Michael O'Neill, College of the Desert's Board of Trustee
	Recorder: Linda Costagliola Minutes Approved: 1/14/14

## Agenda topics

### 1. CALL MEETING TO ORDER

LARRY COHEN

<b>DISCUSSION</b>	L. Cohen called the meeting to order at 3:30 p.m. He welcomed everyone.		
<b>CONCLUSIONS</b>			
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>	
1. None			

### 2. APPROVAL OF MINUTES – MARCH 12, 2013 MEETING

LARRY COHEN

<b>DISCUSSION</b>	<p>A motion was made by L. Spicer to approve the March 12, 2013 meeting minutes with the changes listed below, seconded by K. Eklund. All in favor. No Opposed. No Abstained. Motion Passed Unanimously.</p> <ul style="list-style-type: none"> <li>Page 2, agenda item 4, second paragraph: Add more information for clarification: "Years ago as community colleges merged out of the shadows of high school districts, a number of colleges in the old days issued local school bonds to finance the construction of their first campuses. And they had the legal authority to do that up until 1978. In 1978 Proposition 13 passed. Proposition 13 removed the ability of school districts and community college districts to pass a local bond because Proposition 13 removed the ability to levy property tax, which is the basis of security for these types of bonds. From 1978 to 1986, no community college district could sell or pass a local bond. In 1986 the Constitution got amended by Proposition 46 that said that with two-thirds voter approval a community college district could pass a general obligation bonds and spend those bond proceeds on the acquisition and improvements of real property. There were a number of colleges who after 1986 passed bonds at a two-thirds level, but that was a high threshold. The colleges could not spend the bond proceeds on furniture or equipment. From 1986 to 2000, stakeholders who were frustrated by the difficulty in passing a bond, lobbied for a change in law. There was a big legislative conversation as to whether or not the new pass rate should be 50%, 51%, 55% or 60% and all those rates got resolved in the passage of Proposition 39. Proposition 39 became a law in 2000. It represented another change to the Constitution that said that in addition to be able to have a two thirds bond, a community college could pass a bond with 55% percent of voter approval and use the bond proceeds for the acquisition and renovation of school facilities as well as the furnishing and equipment of the school facilities."</li> <li>Page 2, agenda item 4, item 3: change the word "conditions" to omissions.</li> <li>Page 3, agenda item 5, first paragraph: change the words "demand the money" to random audit.</li> <li>Page 3, agenda item 5, second paragraph: change the word "confidence" to covenants.</li> </ul>
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	<ul style="list-style-type: none"> <li>Page 4, agenda item 5, fourth paragraph: change the last two sentences from "The College has stressed that it is important that future students don't get impacted. So taking 5.3 million dollars from COD will impact the future students" to "The College is trying to arrange a settlement with the Chancellor's Office so that there will be less of an impact on the students in the future. There has been no decision on what that amount of money will be."</li> </ul> <p>From the minutes, W. Ellis followed up on a couple of items: 1) The members of the Citizens' Bond Oversight Committee can be added to the College's errors and omissions insurance policy at no cost to the College or to the Bond Program because the chances of any oversight member ever being brought into any kind of litigation is almost null. The committee does not make decisions that would affect the bond program. The committee oversees the bond program. As of this date, this committee has not been added to the College's insurance policy.</p> <p>A motion was made by L. Spicer to recommend to Wade Ellis that this committee be covered under the College's insurance policy, seconded by C. Escobedo. All in Favor. No Opposed. No Abstained. Motion Passed Unanimously.</p> <p>2) The IRS audit is progressing very well. Hopefully in the next four to five weeks it will be resolved. The attorney that is handling this issue thinks that we are in a good position. We did show in a spreadsheet form that had we not had the circumstances occur with the West Valley Campus, Math Science Technology Center Building, economy crisis and the delay with the Department of State Architect that the money would have been spent according to the original plan. The College is looking for a favorable report. There is no arbitrage issue with this bond or with the audit because the money that we anticipated earning when the College issued the bonds falls short of what the College actually earned because the market fell. The IRS is mainly concerned with the length of time and how quickly we are spending the bond money.</p>
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<b>CONCLUSIONS</b>	Meeting minutes from March 12, 2013 meeting were approved with the changes noted above.
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. None.		

3. COMMENTS FROM THE PUBLIC LARRY COHEN

<b>DISCUSSION</b>	Ms. Pat Keller addressed the committee. In light of the tragedy at the Santa Monica College, Ms. Keller asked if COD has thought about putting some type of secured room in the library or another building; and if COD is thinking about some type of communication plan to make the students aware of this type of incident on campus.
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<b>CONCLUSIONS</b>	The question was duly noted and it is being taken up by the Board of Trustees.
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. None.		

4. BOND PROJECTS UPDATE & BOND PROJECT FINANCIAL REPORT MAC MCGINNIS & STEVE RENEW

<b>DISCUSSION</b>	<p>M. McGinnis and Steve Renew reviewed the following items from a PowerPoint presentation:</p> <p><b><u>Project Status Reports – Current Projects:</u></b></p> <p><b><u>Communication Building – (Project in Construction)</u></b>  Architect: tBP Architects  Construction Manager: ProWest  Project Square Footage: 39,800 sq. ft.  Construction Start: Fall 2011  Estimated Project Completion: Spring 2013  Total Project Budget: \$25,100,000  Construction Budget: \$17,570,000</p>
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Expenditures to Date: \$19,367,644

Project Update:

- Department relocation completed successfully
- All Test & Balance complete
- District Punch Walk: complete; list issued to CM
- Landscape turnover walk executed and pick-ups complete
- Faculty computer installation ongoing by IS
- Lab computer installation scheduled with Dell Services
- Instructor's lecterns delivered; AV punch to follow installation

Sustainable Features:

- Will be minimum LEED Silver certified
- Building automation controls to optimize mechanical system
- Water – conserving landscape
- Heating and cooling via central hydronics system
- Photovoltaics
- Shading strategies

The new Communication Building is planned as a two-story steel framed building that will house classrooms, faculty offices, meeting rooms and ancillary spaces.

#### **Monterey Entrance (Project in Construction)**

Architect: PMSM Architects

Construction Manager: ProWest

Project Square Footage: Exterior Site Work

Estimated Construction Start: Summer 2012

Estimated Project Completion: Summer 2013

Total Project Budget: \$5,300,000

Construction Budget: \$3,500,000

Expenditures to Date: \$4,509,373

Project Update:

- AOR punch list received; correction complete
- Some additional scope items requested
- Flag pole installation schedule revised
- Asphalt punch list walk complete
- Skate board deterrent installation commenced at the Amphitheater seating; completion not yet scheduled
- Sculpture successfully relocated
- 90% complete
- Will Install shade structures late July and August

Sustainable Features:

- Public transportation
- Drought Tolerant Landscaping
- Efficient irrigation system utilizing reclaimed water

This project includes the widening of the entrance (in conjunction with the City) to the college at Monterey Avenue and also the adding of hardscape and landscape between the Communication and Student Services buildings.

#### **Indio Education Center (Project in Construction)**

Architect: gkkworks

Construction Manager: gkkworks

Project Square Footage: 40,000 sq. ft.

Estimated Construction Start: Fall 2012

Estimated Project Completion: Fall 2013

Total Project Budget: \$22,000,000

Construction Budget: \$16,068,813

Expenditures to Date: \$7,202,038

Project Update:

- City of Indio beam signing held
- Installation of structural steel members and decking continues
- Foundations in process
- Installation of HVAC screen and hangers commenced
- Fire water line and FDC installed
- Excavation for new storm drain retention pipe commenced

Sustainable Features:

- Will be minimum LEED Silver certified
- Architectural environmental control
- Public transportation

New 3 story building in Indio with classrooms, administration, offices, and commercial retail space. It will

provide permanent school space for the COD Indio classes that are currently being held in leased space, and will allow for additional science and laboratory classes that are so impacted at the Palm Desert campus.

**Athletic Facilities (Project in Construction)**

Architect: LPA Architects

Construction Manager: ProWest

Project Square Footage: 26,840 sq. ft.

Estimated Construction Start: Fall 2012-2013

Estimated Project Completion: Summer 2014

Total Project Budget: \$22,265,238

Construction Budget: \$14,480,250

Expenditures to Date: \$5,467,113

Project Update:

- Final phase of over-excavation for geo-grid installation for Gym initiated
- Stem walls and slabs on grade poured at Fitness Building east end
- Final sign off on fitness equipment layout received from department
- Tunnel fan chase at west end framed
- Partition framing commenced at Fitness Center east End
- Bid opening occurred for Bid Release Two

Sustainable Features:

- Will be minimum LEED Silver certified

New gymnasium, team rooms, restrooms, shower/locker rooms and maintenance facilities for the Physical Education and Athletics programs, as well as renovation of an initial structure to accommodate weight training, multipurpose rooms and faculty/staff offices for the Physical Education and Athletics programs for the campus. New tennis facilities and athletics quad.

**Visual Arts (Project in Construction)**

Architect: Perkins & Will

Construction Manager: Gilbane

Project Square Footage: 13,710 sq. ft.

Estimated Construction Start: Spring 2013

Estimated Project Completion: Spring 2014

Total Project Budget: \$8,475,000

Construction Budget: \$6,075,000

Expenditures to Date: \$1,156,188

Project Update:

- Over-excavation and compaction complete
- Building pad certified
- Trenching and installation of underground utilities commenced
- Survey and batter boards for building pad complete
- Temp power installed
- Excavating for onsite utilities

Sustainable Features:

- Will be minimum LEED Silver certified

New building with offices, a multi-purpose classroom, new lab space for 2D art, photography, ceramics & screen printing classes, a wood shop, and a large outdoor yard for kilns and 3D art. It will allow the Art programs to relocate into spaces designed specifically for these programs.

**Applied Sciences (Formerly Career Technical Education) - (Project in Construction)**

Architect: HGA Architects

Construction Manager: Gilbane

Project Square Footage: 21,741 sq. ft.

Estimated Construction Start: Summer 2013

Estimated Project Completion: Summer 2014

Total Project Budget: \$12,045,000

Construction Budget: \$8,400,000

Expenditures to Date: \$1,414,036

Project Update:

- DSA back check corrections reviewed and stamp-out achieved
- Fencing and temporary signage plans revised to current status
- Revised allowance allocation and final estimate from CM reviewed
- Site Demo and Greenhouse & Shade Structure phase initiated
- Pre-construction meeting held to prepare for bidding
- Bidding and construction schedule established; advertisement sent
- Project budget for Phases 1 & 2 validated

Sustainable Features:

- Will be minimum LEED Silver certified

This project encompasses both the Agricultural Sciences, which will be renovated along with a new Greenhouse and Lath House, and a new Applied Sciences building that will be home to the HVAC, Drafting, Construction Technology, Natural Resources, classrooms and Labs. The Dean and Faculty offices will also be in this building.

**Child Development Center (Project in Construction)**

Architect: HMC Architects  
Construction Manager: None  
Project Square Footage: 10,314 sq. ft.  
Estimated Construction Start: Summer 2013  
Estimated Project Completion: Spring 2014  
Total Project Budget: \$5,620,000  
Construction Budget: \$3,934,000  
Expenditures to Date: \$448,372  
Project Update:

- Temporary Fencing installed/site mobilization complete
- Preconstruction Checklist approved
- Subcontractor substitution requests in process – see below for clarification of this item
- HVAC (air handling unit) submittal expedited
- Air Handler, Masonry and Casework on critical path
- PM-10 plan approved by SCAQMD – see below for clarification of this item

Sustainable Features:

- Will be minimum LEED Silver certified

New laboratory providing direct observation of two separate early childhood groups. Support spaces for the young children and staff are included to facilitate the groups while allowing students the opportunity to monitor the interaction and behavioral development of the children. The existing building will remain the same.

To clarify bulleted item listed above: Subcontractor substitution requests in process – When they bid the project, they are required to list their subcontractors for the project. If they win the bid for the project, we expect them to go with their subcontractors. Sometimes they can't work out a contract with a subcontractor or maybe the subcontractor left the state or went out of business or does not want to do the job. What they have to do is request subcontractor substitution from us. Then what we have to do is send a letter to the subcontractor that is being substituted to let them know that they are being substituted and why they are requested to be substituted. Then they have five days to respond. If they come back and say that they do not want to be substituted, then we set up a hearing. A panel is formed to listen to their case and then a decision is made to either substitute them or not.

To clarify bulleted item listed above: PM-10 (Particulate Matter up to 10 micrometers in size) plan approved by SCAQMD (South Coast Air Quality Management District) – PM 10 is the dust control coming off the land. The College can't have migrating or fugitive dust leaving the site. We have an aggressive watering plan. There is a sign on the land that says that if you see any dust migrating from the site that there is a number to call. If there are any trucks coming off the site trailing dirt or mud onto the streets whether it's City streets or the College's internal streets, the College can be sited for that. It's a requirement for all of the College's projects.

**West Valley Campus - Palm Springs (Project in Design)**

Architect: HGA Architects  
Construction Manager: Sundt Construction  
Project Square Footage: 50,000 sq. ft. (Phase I)  
Estimated Construction Start: Fall 2013  
Estimated Project Completion: Fall 2014-2015  
Total Project Budget: \$43,000,000  
Project Update:

- Scope Directives 1 through 22 and Division "0" reviewed with CM
- Site Logistics and Temporary Sign Plan reviewed
- Project Budget updated
- The plans should be coming from the Department of the State Architect soon

Sustainable Features:

- Will be minimum LEED Gold certified
- Public transportation
- Solar Energy
- Sustainable Site
- 5 Zero Planning

Construction of a new LEED Gold free-standing 50,393 square feet 3 story Administration Building, 3,200 square feet single story DEEC Storage Building and 5,900 square feet single story Central Utility Plant, & 162 space on-site parking which includes a bus drop-off area. The project will provide educational opportunities to the student population of the western service area of Palm Springs.

Southern California Edison pulled out of their lease with the College last year. They planned to lease approximately 60 acres for a solar field from the College but pulled out of the deal because their infrastructure

would not handle that much more load to their system. The electricity that would be produced from the solar field exceeded their capacity to receive it. The College will lose approximately \$700,000.00 a year from the entire project. It cost Edison \$50,000 to get out of the lease.

#### **Central Campus Redevelopment (Project in Design)**

Architect: LPA Architects

Construction Manager: ProWest

Project Square Footage: 66,526 sq. ft.

Estimated Construction Start: Summer 2014

Estimated Project Completion: Spring 2016

Total Project Budget: \$37,550,000

Project Update:

- Construction Manager Design Development Estimate in review
- Design Development sign off re-scheduled for June 17, 2013
- Geotechnical recommendations received and in review
- FF&E Library kickoff meeting held with Architects and users

Sustainable Features:

- Will be minimum LEED Silver certified

Complete renovation of 4 buildings and the central campus fountain plaza. The renovations will prepare spaces to consolidate all administrative functions together and return the Hilb Learning Resource Center/Library to its central role as a research, study and tutoring facility.

#### **Stagecraft Shop (Project in Design)**

Architect: PMSM Architects

Construction Manager: None

Project Square Footage: 3,346 sq. ft.

Estimated Construction Start: Spring 2013

Estimated Project Completion: Fall 2013-2014

Total Project Budget: \$1,900,000

Project Update:

- DSA Back-check and stamp-out complete
- Addendum prepared
- Pre-bid Job Walk conducted; budding period commenced

New facility that directly supports Theatre Arts functions held on campus. Spaces include a scenery workshop, full costume shop, makeup studio with cast changing facilities, and music/vocal practice rooms.

The process for getting LEED (Leadership in Energy & Environmental Design) certified is that the College hires a LEED certified firm to come in and take care of all the things that are required for LEED; for example, energy efficiency and recycling materials. It starts in design where the College talks about where they want to get to; LEED Bronze, Silver, Gold, and Platinum. There are certain design elements that go into a project. During construction, the College recycles materials; for example, concrete and asphalt. As the College builds the building, they use energy efficient glass and solar panels (photovoltaic), which are on the roof. The College has energy efficient systems within the building to achieve LEED certification. There is a lot of documentation in the design period and application. It's similar to a score sheet. The solar panels do not generate enough to cover the energy requirements of the building. Because there is different usage, you don't try to have the complete building like you would a house because it can go back on the meter. The College doesn't go directly on the meter. The College aims for something that might offset the lighting flow. The cost to get to LEED certified is approximately four thousand dollars, which includes the cost of a commissioning agent that submits the documentation and does the verification through the process to achieve LEED certification.

#### **4 Week Look Ahead Schedule for 05/29/13 to 06/26/13**

This information was provided so that everyone could see what is going to happen over the next four weeks on the campus.

#### **Financial Report**

Project Allocations Budget

- Completed Projects:
  - Bond + Other Budget: \$90,154,705
  - Bond + Other Expenses: \$90,154,705
- Current Projects – Ongoing:
  - Bond + Other Budget: \$281,814,799
  - Bond + Other Expenses: \$138,910,632
  - Balance: \$142,904,167
- Future Projects:
  - Bond + Other Budget: \$31,500,000

- Contingency  
Bond + Other Budget: \$2,744,030
- Bond Management & Other Fees:  
Bond + Other Budget: \$21,149,879  
Bond + Other Expenses: \$20,986,626  
Bond Balance: \$163,253
- Total Summary of Projects Bond + Other Budget: \$427,363,412
- Total Summary of Projects Bond + Other Expenditures: \$250,051,962
- Total Summary of Projects Bond + Other Balance: \$177,311,450
- Funding Sources:  
Bond Series "A" - \$65,000,000  
Bond Series "B" - \$57,850,000  
Bond Series "C" - \$223,648,444  
State - \$3,144,000  
RDA - \$38,239,954  
Interest - \$30,000,000  
Refunding - \$7,500,000  
Foundation - \$400,000  
Rebates - \$1,331,031  
Surety - \$249,984  
TOTAL Funding Sources: \$427,363,412
- Deferred Projects  
Total Deferred Projects: \$47,013,440

It was requested from the committee to review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.....provide a list of the things that the College does to maximize the cost savings.

**Upcoming Events:** No events currently scheduled.

**CONCLUSIONS**

L. Cohen posed the following question to M. McGinnis and S. Renew; "Are you aware of any bond proceeds that were expended for purposes other than those set forth in Measure B?" M. McGinnis responded, "No." Steve responded, "No."

L. Cohen posed the following question to M. McGinnis and S. Renew; "Are you aware of any bond proceeds that were expended for any teacher or administrative salaries of the college or for other operating expenses?" M. McGinnis responded, "No." S. Renew responded, "No."

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. None		

5. REVISED BYLAWS

LARRY COHEN

**DISCUSSION** The committee did not receive the updated bylaws from the attorney. This item was postponed to the next meeting, September 10, 2013.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. Add Revised Bylaws to the agenda for September 10, 2013 meeting.	Linda Costagliola	9/10/13

6. ENROLLMENT SERVICES

STEVE RENEW

**DISCUSSION** S. Renew handed out a document on the Education Code and discussed how the College determines what to build, how do we size the building, what are the enrollments, etc. To determine what we build, we go through some steps that are defined in the Education Code and by the process that community colleges follow. The first step is what the need is which starts with the Education Program. The Education

Program is made up of a number of things; a strategic plan; what are the needs from the community at a community college, etc. They measure the enrollments historically and enrollment projections. Enrollment projections are checked and balanced by the Chancellor's Office. The Chancellor's Office reviews our existing enrollments and then projects it. Those numbers translates to how much space we are allotted for a type of program; for lecture there is a certain amount of space you are allowed, for labs there are certain amount of space, for an office, etc. Each one has a different formula for how much space you are allowed. If the Chancellor's Office is funding a project, they will fund to get you to what you need not what you will need. They will fund up to the space that you are short. If you have a ratio of how much space you have and the enrollments are below what you should be allowed, they will fund a project that will bring you up to even. They won't fund you any more than that. The benefits of having bond dollars are that we were able to look at our enrollment projections at what might happen out to 2020. From the Education Plan we know what the enrollments are and we know how much space we have, then the College develops a Facilities Master Plan by assessing all the existing buildings. From that, the college develops a sequence of projects that are new projects that may be to meet new needs or to replace old buildings, reuse to do very little or maybe modernization, complete renovation or vacating a building to use later or to demolish it. All of these projects get sequenced and allocations go to them. Annually we report to the Chancellor's Office of how much space we have, what the type of space they are (lecture or lab, etc.), what they are assigned to, what programs, which is referred to as the five-year plan for capital construction. This plan gets approved by our Board of Trustees and the Chancellor's Office.

For enrollment projections, we could probably serve another 15% of students over what we are allowed by the Chancellor's Office. The Chancellor's Office allows and requires colleges to grow 3% over the previous year's growth but won't pay for the additional 15% of students coming here. Our projections for what we think we need to build to serve students, is the larger number. The Chancellor's Office gives you a target number. We try to go over that number because if you are under you are penalized and it lowers your funding across the board forever. It is a tight thing to monitor. Now that we are building all these buildings we can grow but someone has to pay us for it.

There was a question brought up about what does the community want and how do we approach the split between vocational vs. academic. The State's shifts it's priorities about every four years. They will push for academics. They want everyone to get an AA degree and transfer. Then they will shift and say, "We do not have enough people that are being trained for the jobs that are available in the State. You need to set up programs and we are going to push for these programs." As this keeps shifting, we try to follow their direction. We try to get ahead of it but it is hard. The other problem is the economy is countercyclical to our needs. We have more people wanting to go to school and the State has less and less extra to give for growth. You are constantly trying to balance it all and do what is good in the long term based on what the needs of the community are. We have programs at COD that no other college has. For example, we have a Turfgrass Management Program and a Golf Management Program, which is the community part of it.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1.		

7. REAPPOINTMENT / APPOINTMENT PROCESS STEVE RENEW

<b>DISCUSSION</b>	<p>Mr. Geoffrey Kiehl's (Member-At-Large East Valley Representative) two-year term will expire September 2013. The committee thought, under the new bylaws, that the attorney mentioned at the last Citizens' Bond Oversight Committee meeting that the number of terms a member could serve would be changing from two consecutive terms to three consecutive terms. L. Costagliola will contact the attorney to confirm the change and then email the members the attorney's response. If the attorney confirms the change and Mr. Kiehl is able to continue to serve, Mr. Kiehl agreed to serve another two-year term.</p> <p>Ms. Brenda Valdez' (Student Representative) term will expire September 2013 but is eligible to renew for another one-year term. Ms. Valdez agreed to serve another one-year term.</p>
<b>CONCLUSIONS</b>	<p>Linda Costagliola will confirm with the attorney regarding the number of consecutive terms a member may serve under the new bylaws. If it is confirmed that a member may serve three consecutive terms, Mr. Kiehl agreed to serve another term. Ms. Valdez agreed to serve another term. Committee accepts their reappointment.</p>



ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. None.		

7. FUTURE AGENDA ITEMS

LARRY COHEN

<b>DISCUSSION</b>	<ul style="list-style-type: none"> <li>• Election of Officers – Selection of Chair and Vice Chair</li> <li>• Schedule Future Meetings</li> </ul>
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
1. Add the above mentioned agenda items to the September 10, 2013 Agenda	Linda Costagliola	9/10/13

Meeting adjourned at 4:48 p.m. by a motion from C. Escobedo, seconded by L. Spicer. No opposed. All Approved. Motion Passed.

## EDUCATION CODE

### TITLE 3. POSTSECONDARY EDUCATION

#### DIVISION 7. COMMUNITY COLLEGES

#### PART 49. COMMUNITY COLLEGES, EDUCATION FACILITIES

#### CHAPTER 4. COMMUNITY COLLEGE CONSTRUCTION ACT OF 1980

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##### Article 2. Plans for Capital Construction

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##### Article 3. Project Proposals

Section 81836

##### Article 1. Definitions and General Provisions

Section 81800.

(a) This chapter shall be known and may be cited as the Community College Construction Act of 1980.

(b) The Legislature hereby declares that it is in the interest of the state and of the people thereof for the state to provide assistance to community college districts for the construction of community college facilities. The community college system is of general concern and interest to all the people of the state, and the education of community college students is a joint obligation and function of both the state and community college districts. In enacting this chapter, the Legislature considers that there is a need to provide adequate community college facilities that will be required to accommodate community college students resulting from growth in population and from legislative policies expressed through implementation of the Master Plan for Higher Education.

Section 81805.

This chapter shall be administered by the Board of Governors of the California Community Colleges, and for purposes of the administration the board of governors shall adopt all necessary rules and regulations. For purposes of this chapter, the board of governors shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas.

Section 81807.

Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the Board of Governors of the California Community Colleges, and by warrants of the Controller issued pursuant thereto.

Section 81808.

In the event an existing community college district is included in a newly formed community college district, any unused funds appropriated or authorized to be appropriated for a finally approved project of the included district pursuant to this chapter shall be transferred to the newly formed or including community college district on the date that such district is effective for all purposes, or prior to such effective date where the governing boards of the districts agree to such earlier transfer.

Article 2. Plans for Capital Construction

Section 81820.

The governing board of each community college district shall prepare and submit to the Board of Governors of the California Community Colleges a plan for capital construction for community college purposes of the district. The plan shall reflect capital construction for community college purposes of the district for the five-year period commencing with the next proposed year of funding. The five-year plan shall be subject to continuing review by the governing board and annually shall be extended one year, and there shall be submitted to the board of governors, on or before the first day of February in each succeeding year, a report outlining the required modifications or changes, if any, in the five-year plan.

Section 81821.

The five-year plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

- (a) The plans of the district concerning its future academic and student services programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas or student services to be emphasized.
- (b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college and educational center within a district shall be made cooperatively by the Department of Finance and the community college district.

(c) The **current enrollment capacity of the district** expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(d) District **office, library, and supporting facility capacities** as derived from the physical plant standards for office, library, and supporting facilities adopted by the board of governors in consultation with the California Postsecondary Education Commission and consistent with its standards.

(e) An **annual inventory of all facilities and land** of the district using standard definitions, forms, and instructions adopted by the board of governors.

(f) An **estimate of district funds which shall be made available for capital outlay** matching purposes pursuant to regulations adopted by the board of governors.

#### Section 81822.

The board of governors shall review and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 81821, and shall, on the basis of the review and evaluation, make the revision and changes therein as are appropriate, and notify the district. A similar review and evaluation of continuing five-year plans for capital construction submitted by the governing board of each community college district shall be made. The board of governors shall, promptly after review, notify the governing board of each community college district of the content of the district's revised plan for capital construction.

#### Section 81823.

(a) If a community college district maintains colleges, or one college and one or more educational centers, it may additionally submit the plan required by Section 81820 on the basis of each college or educational center maintained by the district, if either of the following circumstances is present such that students will be better served by evaluating the capital outlay program for the district on that basis: (1) the isolation of students within a district in terms of the distance of students from the location of an educational program, or inadequacy of transportation, and student financial inability to meet costs of transportation to an educational program; or (2) the inability of existing colleges and educational centers in the district to meet the unique educational and cultural needs of a significant number of ethnic students.

(b) If a district elects to submit such a plan, it shall include therewith justification and documentation for so doing.

(c) When a district so elects, the evaluation of the plan pursuant to Section 81822 shall include an evaluation of both of the following:

(1) The justification and documentation for so doing, including enrollment projections for individual campuses and centers.

(2) The plan as thus submitted.

### Article 3. Project Proposals

#### Section 81836.

The Board of Governors of the California Community Colleges shall:

(a) Advise the governing board of each community college district on the acquisition of new college sites, and after a review of available plots, give the governing board of the district in writing a list of the approved locations in the order of their merit, considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction, and charge the governing board of the community college district a reasonable fee as determined by the board of governors for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for community college facilities.

(c) Review plans and specifications for all construction in those community college districts that have submitted plans and specifications therefor to the board of governors for approval.

(d) For services rendered for the review of plans and specifications of a proposed project, the board of governors shall charge a reasonable fee as established by it.

(e) Approve plans and specifications submitted by governing boards of community college districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.